



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE

205B Lowell Street, Wilmington, MA 01887 • (978) 694-3200

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Secretary

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CERTIFIED MAIL

June 7, 2007

Richard A. Nylen, Esq.
Lynch DeSimone & Nylen, LLP
12 Post Office Square
Boston, Massachusetts 02109

Re: NEWBURYPORT - Solid Wastes/COR
Crow Lane Landfill
Resumption - Placement of C & D
Response
FMF No. 39545

Dear Attorney Nylen:

The Massachusetts Department of Environmental Protection, Bureau of Waste Prevention, Solid Waste Section (the "MassDEP") and the Office of the Attorney General are in receipt of your letter dated June 7, 2007. You submitted the letter to MassDEP and the Office of the Attorney General by email on June 7, 2007.

Your letter states that your client, New Ventures Associates LLC, ("New Ventures") has returned to compliance with the provisions of the Preliminary Injunction entered on October 20, 2006 in *Commonwealth of Massachusetts v. New Ventures Associates, LLC*, Suffolk Superior Court, Civil Action No. 06-0790 C (the "Order") as amended by order of the Court on November 1, 2006 and February 22, 2007 and that your client intends to resume receipt and placement of C&D Fines at the Crow Lane Landfill (the "Landfill") in Newburyport, Massachusetts. Specifically you state that as of your visit to the Landfill this morning New Ventures has:

- completed installation of the permanent connection of the landfill gas pre-treatment system and enclosed flare to the landfill gas extraction system as approved by MassDEP on May 7, 2007;
- resumed pumping the leachate collection tanks at the Landfill; and
- installed and repaired the tarps at the Landfill within areas of exposed C&D Fines and Residuals.

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In addition, your letter indicates that as a result New Ventures intends to resume the receipt and placement of C&D Fines and Residuals at the Landfill tomorrow, June 8, 2007.

On June 6, 2007, a MassDEP representative was at the Landfill from 10 AM to 5 PM and as of 5 PM observed the following:

- New Ventures was continuing, but had not completed, the installation of the third pre-treatment tank to the landfill gas extraction system.
- New Ventures had pumped leachate tank 5, but had not pumped leachate tanks 2 and 4, both of which were greater than 100% full, and leachate tank 1 had not been pumped since the Department representative's June 4, 2007 inspection of the Landfill.
- New Ventures had placed additional tarps on the slope to the north of the haul road with additional sand bags.
- Along the south slope and at the top of the Landfill, New Ventures had not placed tarps over the inactive areas containing uncovered C&D Fines and Residuals indicated on the attached figure and photographs.

In response to your June 7, 2007 letter stating that New Ventures has corrected any remaining violations and has returned to compliance with the Order, MassDEP has scheduled an inspection of the Landfill for tomorrow afternoon at 3 PM by MassDEP personnel.

As you know, pursuant to paragraph 9 of the Order MassDEP's written approval is required in order for New Ventures to resume the receipt and/or placement of C&D Fines and Residuals at the Landfill. Should New Ventures resume the receipt and placement of C&D Fines and Residuals without MassDEP's approval New Ventures will be in violation of paragraph 9 of the Order.

If you have any questions please contact me at (978) 694-3299.

Sincerely,

**This final document copy is being provided to you electronically by the
Massachusetts Department of Environmental Protection.**

**A signed copy of this document
is on file at the DEP office listed on the letterhead.**

John A. Carrigan, Chief
Solid Waste Management Section

Certified Mail Number: 7006 2760 0000 4034 7624

Attachments (4)

JAC/jac

6/07/07

This is an electronic facsimile of a document on file with the Massachusetts Department of Environmental Protection.

Cc: Jack Morris
City of Newburyport
Health Department
City Hall
60 Pleasant Street
Newburyport, MA 01950
Email Address: JMorris@CityofNewburyport.com

Matthew Ireland
Office of the Attorney General
Boston, MA

Traci Peters
City of Newburyport
Conservation Commission
60 Pleasant Street
Newburyport, MA 01950
Email Address: tpeter@cityofNewburyport.com

William Thibeault
New Ventures LLC
85- 87 Boston Street
Everett, Massachusetts 02149
Email Address: omlcllc@aol.com

Michael Quatromoni
SITEC Environmental, Inc.
769 Plain Street, Unit C
Marshfield, MA 02050

Senator Steven A. Baddour
State House
Boston, Massachusetts
Email Address: SBaddour@senate.state.ma.us

Representative Michael A. Costello
State House
Boston, Massachusetts
Email Address: Rep.MichaelCostello@hou.state.ma.us

Tom and Terry Berns
Newburyport, Massachusetts
Email Address: tjbtj@comcast.net

Jack Van Loan
Plum Island
Newburyport, Massachusetts
Email Address: jackvanloan@earthlink.net

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Ronald Klodenski
Newburyport, Massachusetts
Email Address: ronklod@verizon.net

William Woodbury
Newburyport, Massachusetts
Email Address: william.woodbury@verizon.net

Bruce Vogel
City of Newburyport
City Council
Email Address: wardfive@comcast.net

Michael Dingle
MassDEP/OGC-Boston